

IN THE SENATE

SENATE BILL NO. 1276

BY WERK AND KELLY

AN ACT

RELATING TO HIGHWAY DISTRICTS; TO PROVIDE A SHORT TITLE; AMENDING SECTION 40-1401, IDAHO CODE, TO PROVIDE THAT EACH COUNTY SHALL BE SERVED BY ONE COUNTYWIDE HIGHWAY DISTRICT AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 40-1403, IDAHO CODE, RELATING TO REJECTION OF PLAN AND INTERVALS FOR NEW ELECTIONS; AMENDING SECTION 40-1404, IDAHO CODE, TO DELETE THE REQUIREMENT OF A VOTE; AMENDING SECTION 40-1404A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN SINGLE COUNTYWIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1407, IDAHO CODE, TO REVISE DISSOLUTION PROCEDURES; AMENDING SECTION 40-1410, IDAHO CODE, TO REVISE PROVISIONS FOR TRANSFER OF PROPERTY AND ASSETS AND TO MAKE TECHNICAL CORRECTIONS; AND REPEALING CHAPTER 17, TITLE 40, IDAHO CODE, RELATING TO COUNTY HIGHWAY REORGANIZATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. SHORT TITLE. This act may be known and shall be cited as the "Local Highway District Consolidation Act."

SECTION 2. That Section 40-1401, Idaho Code, be, and the same is hereby amended to read as follows:

40-1401. ~~ELECTION TO ESTABLISH DISTRICT ESTABLISHED. Any Each county may, at the discretion of the commissioners, or shall, upon a request in writing from ten percent (10%) or more of the qualified electors residing in each of the county commissioner subdistricts, hold an election at which the following question shall be submitted to the electorate: "Shall this county shall be served by one county wide (1) countywide highway district for all city highways and county secondary highways?". The election for this question shall be held at the next general election following a decision by the board of county commissioners for such an election or upon receipt of the qualified voters written requests to hold such election. At least one (1) public hearing shall be held by the board of county commissioners, prior to the election.~~

SECTION 3. That Section 40-1403, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 40-1404, Idaho Code, be, and the same is hereby amended to read as follows:

40-1404. APPOINTMENT OF FIRST HIGHWAY DISTRICT COMMISSIONERS IN CERTAIN COUNTYWIDE HIGHWAY DISTRICTS -- SUBDISTRICTS -- ELECTIONS, TERMS AND SALARIES OF COMMISSIONERS. For all counties with a population of two hundred thousand (200,000) persons or less, ~~if there is a majority affirmative vote at the election~~ the county commissioners, at their next

meeting shall organize the countywide highway district. The county shall be subdivided by the county commissioners into three (3) subdistricts, designated subdistricts number one, two and three, as nearly equal in population as practicable, and one (1) highway commissioner shall represent each subdistrict and be a resident of the subdistrict. The governor shall appoint the first countywide highway district commissioners. Where one (1) or more highway districts have been in existence at the time of the creation of the countywide highway district, the governor shall appoint, whenever practicable, at least one (1) of the former highway district commissioners as they shall qualify by reason of residence in the territorial limits of the subdistricts of the countywide highway district as a commissioner of the countywide highway district. County commissioners and city council members shall not be eligible to hold office as a countywide highway district commissioner. The originally appointed commissioners shall serve until the next general election when two (2) members shall be elected for two (2) years and one (1) member shall be elected for a term of four (4) years, the commissioner from subdistrict number one being elected for a term of four (4) years. The four (4) year term shall be allotted thereafter in rotation to subdistricts number two, three and one. A qualified voter of the countywide highway district shall be eligible to vote for each of the countywide highway district commissioners, and the election shall be conducted as provided by Idaho statutes relating to holding elections at the county level.

The highway commissioners shall take office on January 1 of the year immediately following their election, and each may be compensated in accordance with the provisions of section 40-1314, Idaho Code, or receive a salary not to exceed six hundred dollars (\$600) per calendar month with the exception of the president of the highway commissioners who may receive a salary not to exceed seven hundred dollars (\$700) per calendar month.

SECTION 5. That Section 40-1404A, Idaho Code, be, and the same is hereby amended to read as follows:

40-1404A. ELECTIONS, TERMS AND SALARIES OF COMMISSIONERS IN CERTAIN COUNTYWIDE HIGHWAY DISTRICTS. In countywide highway districts located in a county with a population of more than two hundred thousand (200,000) persons ~~in which the voters have chosen to establish a countywide highway district at a previous election,~~ the county shall be divided by the county commissioners immediately upon the effective date of this act into five (5) subdistricts which shall be as nearly equal in population as practicable. No precincts shall be divided. A highway district commissioner shall be a resident of the subdistrict which he represents. Voters in each subdistrict shall vote only for one (1) candidate seeking to represent that subdistrict. County commissioners, mayors and city council members shall not be eligible to hold office as a countywide highway district commissioner. ~~At the election held in 1998, commissioners representing subdistricts two and five shall be elected for two (2) year terms and commissioners representing subdistricts three and four shall be elected for four (4) year terms. Thereafter, a~~ All commissioners shall be elected for four (4) year terms. Any incumbent in office on the effective date of this act may complete the term to which they were elected and shall represent the subdistrict in which they reside. ~~Any incumbent in office on the effective date of this act whose term expires on~~

~~January 1, 2000, shall retain that office until January 1, 2000, shall be assigned the subdistrict in which they reside by the county commissioners, which subdistrict shall be numbered one as provided in this section and that commissioner need not stand for election in 1998.~~

A qualified voter of the countywide highway district shall be eligible to vote for a countywide highway district commissioner residing in the elector's subdistrict, and the election shall be conducted as provided by Idaho statutes relating to holding general elections at the county level.

The highway commissioners shall take office on January 1 of the year immediately following their election, and each may be compensated in accordance with the provisions of section 40-1314, Idaho Code, or receive a salary not to exceed one thousand two hundred dollars (\$1,200) per calendar month with the exception of the president of the highway commissioners who may receive a salary not to exceed one thousand four hundred dollars (\$1,400) per calendar month.

SECTION 6. That Section 40-1407, Idaho Code, be, and the same is hereby amended to read as follows:

40-1407. DISSOLUTION OF EXISTING DISTRICTS OR SYSTEMS -- TRANSFER OF FUNDS. In ~~any county where the electorate adopts a county wide highway district~~ all counties where highways have been consolidated in a countywide highway district under the provisions of this chapter and at the time of reorganization of the district, city highway systems, highway districts, and/or county highway systems already exist, the commissioners shall dissolve those districts or systems and transfer all funds to the reorganized ~~county wide~~ countywide highway district.

SECTION 7. That Section 40-1410, Idaho Code, be, and the same is hereby amended to read as follows:

40-1410. EXISTING SYSTEMS AND DISTRICTS -- TRANSFER -- LIABILITY. (1) When a ~~county wide~~ countywide highway district has been adopted, all city highway systems, highway districts and county highway departments shall prepare an inventory and financial statement and file the statement with the commissioners not later than ~~ten (10) days subsequent to the canvass of the election~~ September 1, 2010.

(2) Title to all machinery, buildings, lands and property of every kind and nature, belonging to each city highway system, highway district and county highway system shall immediately ~~upon the dissolution of the system or district and~~ without further conveyance, be vested in the commissioners as custodians, and immediately thereafter, as soon as may be practical, delivered to the succeeding ~~county wide~~ countywide highway district and the district shall be liable for any and all unliquidated obligations of dissolved city highway systems, highway districts or county highway systems.

SECTION 8. That Chapter 17, Title 40, Idaho Code, be, and the same is hereby repealed.